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DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Parts 1****[Docket No. OST-2000-6681] - /****Organization and Delegation of Powers and Duties; Delegation to the Administrator, Federal Motor Carrier Safety Administration****AGENCY:** Office of the Secretary, DOT.**ACTION:** Final rule.

SUMMARY: A new administration, the Federal Motor Carrier Safety Administration, was established within the United States Department of Transportation pursuant to the Motor Carrier Safety Improvement Act of 1999 [Public Law No. 106-159, 113 Stat. 1748 (December 9, 1999)]. Pursuant to the statute, the effective date of the new administration is January 1, 2000. Accordingly, by this action, the Secretary delegates to the Administrator, Federal Motor Carrier Safety Administration, functions required for the operation of this new agency.

EFFECTIVE DATE: This final rule is effective on January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Research and Standards, HMCS-10, (202) 366-4009, Federal Motor Carrier Safety Administration; or Mr. Charles Medalen, Chief Counsel Service Business Unit, HCC-20, (202) 366-1354, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:**Electronic Access**

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Background

The Motor Carrier Safety Improvement Act of 1999 [Public Law No. 106-159, 113 Stat. 1748 (December 9, 1999)] amends title 49, United States Code, establishing the Federal Motor Carrier Safety Administration. There are certain functions that each modal administrator within the Department of

Transportation is responsible for carrying out. This rule amends 49 CFR part 1 to reflect the Secretary's delegation of authority to the Administrator, Federal Motor Carrier Safety Administration. It should be noted, however, that section 101(f) of the Motor Carrier Safety Improvement Act of 1999 gives the Secretary discretion to delegate the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture. The Secretary reserves this authority to himself until further notice.

The Administrator, Federal Motor Carrier Safety Administration, has the authority to redelegate the functions described in this document if not inconsistent with statute, departmental regulations, policies, and orders governing delegation of functions.

As the rule relates to Departmental organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). This action makes no substantive changes to the motor carrier safety regulations. It simply amends 49 CFR Part 1 to delegate to the Federal Motor Carrier Safety Administrator authorities relevant to motor carrier safety. Therefore, prior notice and opportunity to comment are unnecessary, and good cause exists to dispense with the 30-day delay in the effective date requirement so that the Federal Motor Carrier Safety Administration may operate pursuant to the changes noted above beginning January 1, 2000.

Ministerial amendments to a number of other parts in title 49 of the Code of Federal Regulations that pertain to functions of the new Administration will be issued in the near future.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

Issued this 29th day of December, 1999 at Washington, DC.

Rodney E. Slater,

Secretary of Transportation.

For the reasons set forth in the preamble, the Department of Transportation amends 49 CFR Part 1 as follows:

PART 1—[AMENDED]

1. Revise the authority citation for Part 1 to read as follows:

Authority: 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101-552, 104 Stat. 2736; Pub. L. No. 106-159, 113 Stat. 1748.

2. In § 1.2, add paragraph (k) to read as follows:

§ 1.2 Definitions.

* * * * *

(k) The Federal Motor Carrier Safety Administrator.

3. In § 1.3(b), add paragraph (b)(11) to read as follows:

§ 1.3 Organization of the Department.

* * * * *

(b) * * *

(11) The Federal Motor Carrier Safety Administration, headed by the Administrator.

4. In § 1.4, add paragraph (m) to read as follows:

§ 1.4 General Responsibilities.

* * * * *

(b) * * *

(m) *The Federal Motor Carrier Safety Administration.* Is responsible for:

(1) Managing program and regulatory activities, including administering laws and promulgating and enforcing regulations on safety matters relating to motor carrier safety;

(2) Carrying out motor carrier registration and authority to regulate household goods transportation;

(3) Developing strategies for improving commercial motor vehicle, operator, and carrier safety;

(4) Inspecting records and equipment of commercial motor carriers, and investigating accidents and reporting violations of motor carrier safety regulations; and

(5) Carrying out research, development, and technology transfer activities to promote safety of operation and equipment of motor vehicles for the motor carrier transportation program.

5. In § 1.45(c)(1), amend paragraph (c)(1) (vii) by removing the word "and"; amend paragraph (c)(1) (viii) by replacing the period with "; and"; and add paragraph (c)(1) (ix) to read as follows:

§ 1.45 Delegations to all Administrators.

* * * * *

(c) * * *

(1) * * *

(ix) Federal Motor Carrier Safety Administration.

* * * * *

6. Amend 1.73 as follows:

a. Revise the heading to read as set forth below.

b. Revise the introductory text to read as set forth below.

c. Amend paragraph (g) by adding before the period " , except for the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture".

d. Amend paragraph (l) by adding before the period " , except for the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture".

e. Add paragraph (o) to read as set forth below.

§ 1.73 Delegation to the Administrator of the Federal Motor Carrier Safety Administration.

The Administrator of the Federal Motor Carrier Safety Administration is delegated authority to:

* * * * *

(o) Carry out the functions and exercise the authority vested in the Secretary by 23 U.S.C. 502(a)(1)(A).

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